

application is a CIP of copending application Serial No. 867,996. All of the information contained in Serial No. 867,996 is contained in the present application. Applicants, therefore, will abandon the parent application as soon as it has been determined that the present application contains allowable subject matter.

Application Serial No. 867,996 is being examined by the same Examiner. During prosecution of that application claims 2-5 and 18 have been deemed allowable if written in independent form while claims 7, 9-12 and 15-17 have been deemed allowable over the prior art. In the present application only claim 31 is deemed to be allowable while claims 26-30 are objected to. Since the applications admittedly contain similar subject matter, it would appear that subject matter found to be allowable in the parent case should be allowable in the continuation-in-part application. Therefore, claims 7, 9-12, and 15-18 in the present application should be allowable over the prior art of record. Applicants assume that claims 7, 9-12 and 15-18 will be allowable if the parent case is abandoned.

Claims 19-24 are drawn to pharmaceutical compositions containing a compound of claim 1 as the active ingredient. Since claim 31 has been found to be allowable, claims 19-24 should be allowable if made dependent upon an allowable claim, i.e. claim 31. By the present amendment claims 19-24 are being made dependent upon claim 31. It is submitted that claims 2-5 should also be allowable in the present application, if made dependent upon claim 31, since these claims were found to be allowable in the parent application, Serial No. 867,996.

The specification is objected to under 35 USC 112 first paragraph. The Examiner objects to the use of the term "lower alkyl carboxy." By the present amendment the specification is being amended to reflect the change requested by the Examiner.

"Claims are rejected under 35 USC 112, first and second paragraph." The Examiner has not indicated which claims have been rejected under 35 USC 112 but it is assumed that claims 1 and its dependent claims are intended. In view of the cancellation of claim 1, the required amendment is not deemed necessary.

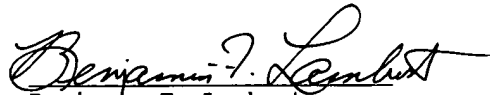
Claims 1-5 and 19-24 are rejected under 35 USC 103 as being unpatentable over Rainer (U.S. Patent No. 3,974,176) for reasons of record. By the Examiner's own definition, applicants' compounds are not "position isomers." The Examiner has defined "position isomers as compounds that differ only in the position of radicals." In rejecting the claims over Rainer in Paper No. 2, the Examiner pointed out that the Rainer compounds differ from applicants' compounds in that Rainer discloses 1,3-diaryl-5-halopyrazole-4-acetic acids while applicants claim 1,5-diaryl-3-substituted pyrazoles, and in the Rainer compounds a methylene group separates the acid moiety from the pyrazole whereas in applicants' compounds the separation is by at least an ethylene group, i.e. at least one more carbon atom. The compounds can not be isomers, therefore, if one compound contains one more carbon atom than the other. Since the compounds differ by more than the position of the atoms, they can not be position isomers. Reconsideration of the rejection of claims 1-5 and 19-24 under 35 USC 103 is courteously requested.

Claims 26-30 are objected to as being dependent upon a rejected base claim. Claims 26-30 are being made dependent upon claim 31 by this amendment. In view of the allowance of claim 31, claims 26-30, as amended, should be allowable.

In view of the above discussion and the amendments herein being made to the claims, it is believed that all of the outstanding objections and rejections have been removed. A favorable disposition of this application is courteously requested.

In the event the Examiner adheres to the Final Rejection, entry of the amendment is requested in order to make the record on appeal complete.

Respectfully submitted,

  
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